

Exhibit B

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

RUTH SMITH, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

SUNPATH, LTD., a Massachusetts corporation,

Defendant.

Case No. 1:22-cv-00081-LMB-WEF

DECLARATION OF TAYLOR T. SMITH

I, Taylor T. Smith, declare as follows:

1. I am an attorney with the law firm Woodrow & Peluso, LLC and counsel of record for Plaintiff Ruth Smith (“Plaintiff” or “Smith”).

2. On January 26, 2022, Plaintiff filed the instant action alleging wide-scale violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* (“TCPA” or “Act”) and the Virginia Telephone Privacy Protection Act (“VTPPA”).

3. On August 29, 2022, SunPath issued its first set of discovery requests directed to Plaintiff, including interrogatories, requests for admission, and requests for production. Plaintiff served her objections to the requests on September 13, 2022, and her responses on September 28, 2022, which included her responsive document production and recordings of calls placed on behalf of SunPath.

4. On October 21, 2022, our office received a discovery dispute letter from SunPath’s counsel, which included its perceived deficiencies with respect to thirty-three (33) of

Plaintiff's discovery responses and demanded that Plaintiff provide supplemental responses three (3) business days later, on October 26, 2022. (Dkt. 41-2.)

5. After receiving the letter, Plaintiff and her counsel conducted a search for additional responsive documents, which were produced on October 27, 2022.

6. Plaintiff's counsel also repeatedly informed SunPath's counsel that he would supplement her discovery responses. For one example, see dkt. 41-3, pg. 4.)

7. On November 1, 2022, all parties were in attendance for the deposition of SunPath's third party telemarketer, Chukran Management Group, LLC d/b/a American Protection Corp. ("American Protection"). After American Protection's representative ended the deposition early, Plaintiff's counsel informed SunPath's counsel that he would be available to confer regarding Plaintiff's discovery responses that afternoon. At this time, SunPath's counsel suggested that the parties confer on a later date.

8. On November 3, 2022, the parties conferred regarding Plaintiff's discovery responses. During the conferral, Plaintiff agreed to supplement her discovery responses and informed SunPath's counsel that the responses would be provided prior to Plaintiff's deposition. At that time, counsel estimated that the responses would be provided by November 11, 2022.

9. On November 9, 2022, Plaintiff issued a subpoena directed to Five9, Inc., which was identified as one of the telephone service providers that was utilized by American Protection to place the calls at issue.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on November 16, 2022, in Denver, Colorado.

By: /s/ Taylor T. Smith

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